

REMARKS

In the Office Action, the Examiner indicated that Claims 1 through 24 are pending in the application and the Examiner rejected all claims.

Claim Rejections, 35 U.S.C. § 101

On page 2 of the Office Action, the Examiner rejected Claims 17-24 under 35 U.S.C. §101 as being directed to non-statutory subject matter, specifically a software application. In response, applicants have amended Claims 17-24 to specifically recite computer readable code embodied on a computer readable medium. The Examiner is respectfully requested to reconsider and withdraw the rejections of Claims 17-24 under 35 U.S.C. §101.

Claim Rejections, 35 U.S.C. § 102

On page 3 of the Office Action, the Examiner rejected Claims 1-24 under 35 U.S.C. §102(b) as being anticipated by Winamp Version 2.22 released in 1999 by Nullsoft, Inc.

The Present Invention

The present invention teaches a user interface mechanism that introduces a concept referred to as a non-overlapping workspace. In a preferred embodiment, a system user can switch between a traditional overlapping workspace (where multiple windows literally overlap) to a non-overlapping workspace depending upon how the user wishes to move and manage objects or windows in the workspace. A user first selects to enter non-overlapping mode in the workspace. Next, a user moves

a selected object to relocate it within the work area and if its border touches another object while moving in a particular direction, the selected object pushes (rather than overlaps) the other object in the same direction. Claim 1 specifically recites these steps as follows: “configuring said GUI into a non-overlapping workspace; situating at least two of said objects in said non-overlapping workspace; and pushing a second of said objects in said non-overlapping workspace when a first of said objects comes in contact with said second of said objects while being moved.”

“Winamp version 2.22 MP3 Decoding Quality Test Results” by D. Robinson

“Winamp version 2.22 MP3 Decoding Quality Test Results” by D. Robinson discloses that Winamp version 2.22 was commercially released by Nullsoft on May 26, 1999.

“How to make move your forms like WinAMP” posted on Delphi3000.com

“How to make move your forms like WinAMP” posted on Delphi3000.com (Delphi3000) discloses an unsupported assertion uploaded by a user named C. Cristofari onto a public forum, the assertion stating that a Winamp window has a “magnetic field” near the borders.

“Taming Wild Windows” by R. Pall

“Taming Wild Windows” by R. Pall (“Pall”) allegedly discloses code that enables windows in a GUI to snap to the borders of a computer screen. In additional, Pall discloses various figures illustrating windows snapping to the borders of the screen.

“WinCue v1.40 User Manual” by A. Sandvig

“WinCue v1.40 User Manual” by A. Sandvig (“Sandvig”) teaches an add-on playlist manager for Winamp. One feature of WinCue is the ability to snap a WinCue window directly to Winamp’s main window.

The Cited References Do Not Anticipate the Claimed Invention

The MPEP and case law provide the following definition of anticipation for the purposes of 35 U.S.C. §102:

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 citing *Verdegaal Bros. v. Union Oil Company of California*, 814 F.2d 628, 631, 2 U.S.P.Q. 2d 1051, 1053 (Fed. Cir. 1987)

The Examiner Has Not Established a *Prima Facie* Case of Anticipation

As noted above, the definition of anticipation requires each and every element as set forth in a claim to be found in a single prior art reference. As such, it is unclear to the applicants how the Examiner is treating the references as a 102 anticipation rejection. The cited references are not identifiable as prior art but instead are merely user created topics or web postings relating to an undefined feature of Winamp. One cited reference is an add-on program for Winamp named WinCue, and is clearly a separate piece of software. Thus, it is unclear how the Examiner is treating the four cited references as a 102 anticipation rejection.

Additionally, one of the references is dated after the filing date of the present invention, i.e., after December 9, 2003. The WinCue user manual ("Sandvig") is dated Copyright 1999, 2000, 2001, 2002, 2003, 2004. Without an individualized dating of disclosed features, the Sandvig reference can only be assumed to have a priority date reflecting the latest copyright date, i.e., 2004.

Notwithstanding the improper use of "art" in making the rejection under 35 U.S.C. §102, as noted above, the present claimed invention includes configuring a GUI into a non-overlapping workspace and pushing a second object in the workspace with a first object when the first object comes into contact with the second rather than overlapping the second object. These features, specifically pushing an object with another, are not taught or reasonably suggested by the cited references.

Winamp, as asserted by the posting on Delphi3000, as uploaded by C. Cristofori, includes a "magnetic field" near the borders. Pall defines this magnetic field as causing windows to snap to the borders of the screen, and provides figures and code for allegedly implementing this feature. Nowhere is there any hint of an ability to push one window around a workspace with another window. Sandvig discloses that windows in WinCue can also have this magnetic field turned on, causing the windows to snap, similar to the behavior of Winamp windows. None of the cited prior art references teach or reasonably suggest configuring a workspace as non-overlapping and then pushing an object in the workspace with another object. Merely having a "magnetic field" for snapping windows to the edge of the screen or other windows is not the same as pushing an object as is claimed. None of the references disclose pushing an object in a workspace with another object.

Accordingly, each of the independent claims (Claims 1, 9 and 17), and all claims depending therefrom, patentably define over the cited references and are in condition for allowance.

Conclusion

The present invention is not taught or suggested by the prior art. Accordingly, the Examiner is respectfully requested to reconsider and withdraw the rejection of the claims. An early Notice of Allowance is earnestly solicited.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment associated with this communication to Deposit Account No. 09-0461.

Respectfully submitted,

April 25, 2007
Date

/John R. Brancolini/
John R. Brancolini
Registration No. 57,218

SYNNESTVEDT & LECHNER LLP
1101 Market Street
Suite 2600
Philadelphia, PA 19107
Telephone: (215) 923-4466
Facsimile: (215) 923-2189